

MICHAEL R. LOZEAU (State Bar No. 142893)
DOUGLAS CHERMAK (State Bar No. 233382)
LOZEAU DRURY LLP
1516 Oak Street, Suite 216
Alameda, California 94501
Telephone; (415) 749-9102
Facsimile: (415) 749-9103
Email: Michael@lozeaudrury.com

ANDREW L. PACKARD (State Bar No. 168690)
MICHAEL P. LYNES (State Bar No. 230462)
Law Offices of Andrew L. Packard
319 Pleasant Street
Petaluma, California 94952
Telephone; (707) 763-7227
Facsimile: (707) 763-9227
Email: Andrew@packardlawoffices.com

Attorneys for Plaintiffs
CALIFORNIA SPORTFISHING ALLIANCE and STRAWBERRY CANYON
STEWARDSHIP GROUP

PILLSBURY WINTHROP SHAW PITTMAN LLP
MARGARET ROSEGAY (State Bar No. 96963)
Post Office Box 7880
San Francisco, CA 94120-7880
Telephone: (415) 983-1000
Facsimile: (415) 983-1200
Email: margaret.rosegay@pillsburylaw.com

Attorneys for Defendants
LAWRENCE BERKELEY NATIONAL LABORATORY
STEVEN CHU

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

CALIFORNIA SPORTFISHING
PROTECTION ALLIANCE, a non-profit
corporation; STRAWBERRY CANYON
STEWARDSHIP GROUP, an unincorporated
association,

Plaintiffs,

vs.

STEVEN CHU, in his official capacity as
Director, Lawrence Berkeley National
Laboratory; LAWRENCE BERKELEY
NATIONAL LABORATORY, a federal
agency,

Defendants.

No. C 08-01963 VRW

**STIPULATION RE EXTENSION OF
TIME TO FILE ANSWER OR
OTHERWISE RESPOND TO
COMPLAINT**

Time:
Courtroom: 6
Judge: Hon. Vaughn R. Walker
Date Filed: April 14, 2008

1 **IT IS HEREBY STIPULATED AND AGREED**, by and between the parties, by
2 and through their respective counsel, that:

3 1. On April 14, 2008, plaintiffs CALIFORNIA SPORTFISHING
4 PROTECTION ALLIANCE and STRAWBERRY CANYON STEWARDSHIP GROUP
5 (“Plaintiffs”) filed a complaint for declaratory and injunctive relief in the United States
6 District Court for the Northern District of California under the Federal Water Pollution
7 Control Act (33 U.S.C. § 1251, et seq.) against defendants STEVEN CHU, in his official
8 capacity as Director of the Lawrence Berkeley National Laboratory, and LAWRENCE
9 BERKELEY NATIONAL LABORATORY, a “federal agency” (“Defendants”).

10 2. Plaintiffs deferred service of the complaint to allow the parties to continue
11 good faith settlement discussions which were already underway in response to a 60-day
12 notice of intent to sue under Clean Water Act section 505, dated on January 7, 2008.

13 3. To avoid potential dismissal of the action under Rule 4(m) of the Federal
14 Rules of Civil Procedure, Plaintiffs sent a copy of the summons and complaint to Joseph P.
15 Russoniello, United States Attorney of the Northern District of California, Michael B.
16 Mukasey, Attorney General of the United States, Steven Chu, and LBNL by certified mail
17 on August 6, 2008, and hand-delivered a copy of the summons and complaint to
18 Steven Chu and LBNL on August 8, 2008.

19 4. Under Northern District of California Civil Local Rule 6-1(a), a stipulation
20 to extend the time within which to answer or otherwise respond to a complaint is
21 permissible, without a court order, so long as such extension does not alter the date of any
22 event or any deadline already fixed by court order and provided that such stipulation is
23 promptly filed with the Court.

24 5. The parties remain engaged in good faith settlement negotiations and expect
25 the matter will be resolved successfully without need for litigation within the period of the
26 stipulated extension obtained hereby.

27 6. The date upon which Defendants’ answer or other response to the complaint
28 shall be due in this matter is extended from August 28, 2008 to September 18, 2008.

7. This stipulation does not affect any other court-ordered filing dates or deadlines (namely, the Case Management Conference, which has been continued to November 20, 2008).

8. Nothing in this stipulation shall constitute or be construed as a waiver of any claim, defense, or position that Plaintiffs or Defendants may have relating to any of the allegations set forth in the complaint or to service thereof.

Dated: August 27, 2008.

LOZEAU DRURY LLP

By /s/ Michael R. Lozeau¹
Michael R. Lozeau
Douglas J. Chermak
Attorneys for Plaintiffs
CALIFORNIA SPORTFISHING ALLIANCE and
STRAWBERRY CANYON STEWARDSHIP
GROUP

Dated: August 27, 2008.

PILLSBURY WINTHROP SHAW PITTMAN LLP

By /s/ Margaret Rosegay
Margaret Rosegay
Attorneys for Defendants
STEVEN CHU and
LAWRENCE BERKELEY NATIONAL
LABORATORY

¹ As the filing attorney, I, Margaret Rosegay, attest that Plaintiffs' attorney, Michael R. Lozeau, finds the contents of this filed document acceptable and has given me permission to electronically file this stipulated motion on his behalf.